IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11209 of 1994

Between:

R.Lakshmana Chary @ Laxmaiah, S/o.Linga Chary,

Proprietor of Saw Mill, r/o H.No.18-9-278/A,

Chandrayangutta, Hyderabad.

..... PETITIONER

AND

1. Municipal Corporation of Hyderabad,

rep. by its Commissioner, Tank Bund Road, Hyderabad.

2. The Asst. Medical Officer of Health,

Circle No.1, MCH, Charminar, Hyd.

3. The Asst. Divisional Engineer,

APSEB, Area Falakhunama, Hyd.

(Petition against R.3 was dismissed for default

vide Court order dated 16-09-1999).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction or Writ, particularly more in the nature of Writ of Certiorari, by quashing the Proceedings No.541/Health/Circle No.1, dt:13-06-1994 issued by the 2nd respondent, holding the same as illegal, irregular and violative of Article 19(1)(g) of the Constitution of India and provisions of Municipal Corporation Act.

Counsel for the Petitioner: MR. C.SAI REDDY

Counsel for Respondents 1 and 2: MR. KHADER ALI KHAN (STANDING COUNSEL FOR MUNICIPAL CORPORATION OF HYDERABAD)

Counsel for Respondent No.3: MR. C.V.NARAYANA REDDY (STANDING

COUNSEL FOR APSEB)

The Court made the following:

ORDER:

This writ petition is filed questioning the Show Cause Notice dated 13-06-1994 in Proceedings Rc.No.541/Health/Circle No.1 issued by the second respondent.

It is the case of the petitioner that in spite of possessing valid licence to run the Saw Mill, the impugned notice was issued to him at the instance of one Theeraj Saxena in view of civil disputes between him and the said person.

Further, the impugned proceedings are only a Show Cause Notice calling for explanation from the petitioner why the trade operations in the premises in question should not be discontinued. It is for the petitioner to respond to the said notice and no valid grounds are made out to interfere at this stage. If the petitioner is having any ground, it is for him to approach the first respondent and explain the same by filing necessary explanation.

In that view of the matter, this writ petition is disposed of permitting the petitioner to submit his explanation to the Show Cause Notice dated 13-06-1994 issued by the second respondent within a period of six weeks. If such explanation is already submitted by the petitioner, the respondents are directed to consider and pass appropriate orders on the same. Till such time, status quo as on today shall be continued.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

09th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

2. The Assistant Medical Officer of Health, Circle No.1,

Municipal Corporation of Hyderabad, Charminar, Hyderabad.

3. The Assistant Divisional Engineer, APSEB, Area Falakhunama,

Hyderabad.

4. Two CD copies.